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US PATENT & TRADEMARK
OFFICE

PTO/SB/64

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number
6586R

First Named Inventor: Michael Kenneth Cerreta *et al.*

Application No.: 08/914,743

Art Unit: 1623

Filed: 08/19/1997

Examiner: White, Everett

Title: Flowable Nondigestible Oil and Process for Making

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

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The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Authorization is given to charge the required fee under 37 CFR 1.17(m), and any additional fees that may be required in connection with submission of this petition, or to credit any overpayment, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

2. Reply and/or Issue Fee

A. The reply to the last Communication from the Office in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____
☐ is enclosed herewith.

B. The issue fee(s)

☒ was previously paid on December 3, 2004

If the Issue Fee was not received by the PTO then authorization is given to charge the Issue Fee to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon individual case. Any comment on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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3. Terminal disclaimer

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

4. Statement. The entire delay in filing the Issue Fee from the due date for the payment of the Issue Fee until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. More specifically, the Issue Fee transmittal form was prepared and filed on December 3, 2004 by Mr. Carl Roof (a copy is attached). It recently came to my attention that the US PTO either did not receive the Issue Fee transmittal form, or did not act on it when it was received. In any event, when I became aware of this discrepancy I took immediate action to prepare and file this petition.

9-27-2006

Date



Signature

Telephone Number: (513) 634-0102

S. Robert Chuey

Registration No. 39,140

CUSTOMER NO.: 27752

- Enclosures: ☒ Authorization to charge fee(s)
☐ Reply
☒ Issue Fee(s) Transmittal Form
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☒ Fee Address Indication Form

[Page 2 of 2]

(Revised for P&G use 04/25/2006)

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a maintenance fee notification.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

27752 7590 09/22/2004

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

Note: A certificate of mailing can only be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). This certificate cannot be used for any other correspondence, such as an assignment, a domestic mailing of the application, or a formal drawing, filed with the United States Patent and Trademark Office.

Certificate of Mailing or Transmittal: I hereby certify that this Fee(s) Transmittal is being transmitted to the Mail Stop ISSUE FEE address indicated above, or being transmitted to the USPTO (703) 746-4000, on this date indicated below.

CARL J. Roof
Carl J. Roof
12-3-04

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/914,743	08/19/1997	MICHAEL KENNETH CERRETA	636R	7409

TITLE OF INVENTION: FLOWABLE NONDIGESTIBLE OIL AND PROCESS FOR MAKING

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	12/22/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
WHITE, EVERETT NMN	1623	536-119000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☒ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47, Rev. 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. CARL J. Roof
2.
3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 1.311. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

The Procter + Gamble Co.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Cincinnati, OH

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☒ Advance Order - # of Copies 2

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 16-0480 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Carl J. Roof
Typed or printed name CARL J. Roof

Date 12-3-04
Registration No. 37,708

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 15 minutes to complete, including submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Dept. of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTOL-85 (Rev. 09/04) Approved for use through 11/30/2007.

OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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